

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)
Plaintiffs,)
v.) No. 2013 C 811
T & W EDMIER CORP.,)
an Illinois corporation and)
THOMAS W. EDMIER, Individually,)
Magistrate Judge Rowland
Defendants.)
Judge Lee

MOTION TO AMEND ORDER OF JUDGMENT

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 59(e) move to amend the Judgment entered on May 13, 2013 on Counts II and III to reflect additional sums due on Count I of the Complaint \$29,750.75 in current delinquencies for July, 2012 through March, 2013. In support of its Motion, Plaintiffs state as follows:

1. On April 25, 2013 Defendant submitted delinquent benefit report forms to the Funds for the period July, 2012 through March, 2013 without payment. Liquidated damages and interest are owed pursuant to the collective bargaining agreement.

	<u>Welfare Fund</u>	<u>Pension Fund</u>
Contributions	\$14,100.00	\$12,550.75
Liquidated damages and interest	\$1,629.00	\$1,471.00
Total	\$15,729.00	\$14,021.75 = \$29,750.75

2. On May 8, 2013 defaulted Defendant requested a payment plan and new installment notes were forwarded to them. As of the date of this filing, Defendant has not signed the installment notes or made required down payments.

3. The Court entered final judgment on May 13, 2013 on Counts II and III of Plaintiffs' Complaint against T & W EDMIER CORP., an Illinois corporation and THOMAS W. EDMIER, Individually as maker of the defaulted installment notes as alleged in Counts II and III for \$7,820.63 Pension, \$8,068.43 Welfare, \$925.00 attorneys fees and \$382.00 court costs for a total of \$17,196.06.

WHEREFORE, Plaintiffs pray to amend the Default Judgment in a sum certain against Defendant, T & W EDMIER CORP., an Illinois corporation on Count I of the Complaint to reflect an additional \$29,750.75 in damages owed for audit contributions due for the period August, 2012 through March, 2013 per the attached Amended Order of Judgment concluding all issues on all Counts of the Complaint.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

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Dated: May 22, 2013